


**DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION
PROCEDURE**

Title:	Decision Making Criteria for License Applications	Number:	A21.07
Reference:	RCW 18.130.050 (13)		
Contact:	Mary Dale, Discipline Manager Washington State Nursing Care Quality Assurance Commission (NCQAC)		
Effective Date:	August 1, 2016	Date Reviewed:	August 2016
Supersedes:	March 14, 1997; May 16, 2003; March 12, 2004; July 1, 2005; September 9, 2011; October 1, 2015		
Approved:	 Paula R. Meyer, MSN, RN, FRE Executive Director NCQAC		

PURPOSE:

When an otherwise qualified applicant for a nursing license has a positive response or criminal background check, the application is considered an “exception” application. This procedure allows administrative staff to apply criteria established by the NCQAC to approve the application. It is the intent of the commission to fairly and quickly process applications for licenses.

On July 8, 2016 the NCQAC approved the Health Services Quality Assurance (HSQA) FBI background administrative staff to use this procedure in comparison decision making with court documents against positive FBI background results.

PROCEDURE:

NCQAC Administrative staff shall:

- A. Approve applications in accordance with Addendum 1 when there has been a single occurrence resulting in a criminal convictions. Cases involving multiple convictions shall be referred to the Case Management Team (CMT). Exception, if all convictions are over 10 years old, applications may be approved by administrative staff.

Staff will follow the flowchart in Addendum 2 when the applicant has answered “no” to the question regarding criminal convictions, but that conviction alone would not have resulted in any

denial or restrictions to the license, then that “no” answer is “not material” under the meaning of RCW 18.130.180 (2). Any conviction which would result in a denial or restriction of the license is a “material” misrepresentation which will be forwarded to CMT.

- B. Approve applications for applicants with medical conditions, which fall under the Americans with Disabilities Act, where the applicant states they can practice with reasonable skill and safety, and there are no limitations or impairments, or the condition is controlled or alleviated with medication.
- C. Approve applications for applicants with action taken in another state, where the applicant has complied with all conditions and has been reinstated, holding a current unencumbered license.
- D. Approve applications for applicants named in a malpractice, hospital or civil suit where negligence was not established.

Exception applications not meeting these criteria will be forwarded to CMT for review and a decision to approve or deny.

HSQA administrative staff shall:

- A. Approve FBI background workflows in the Integrated Licensing and Regulatory System (ILRS) database in accordance with Addendum 1 when there is a single occurrence resulting in a criminal conviction. This allows the NCQAC staff to proceed with licensure. In cases involving multiple convictions administrative staff shall verify and match convictions with court documents and forward to NCQAC staff. Exception, if all convictions are over 10 years old, the ILRS FBI background workflow may be approved by administrative staff.

ADDENDUM 1

Below is the criteria used for staff to recommend approval for applications with convictions for Commission’s Final Approval. Criteria is based on a single incident, not multiple unless listed.

NOTE: When the recommended action is “Issue with sanctions,” the file is referred to CMT

F-Felony; Class A or B – Deny 10 years; Class C – issue after 5 years with sanctions

G-Gross Misdemeanor – Issue with sanctions

M-Misdemeanor – Issue

Incident	If conviction occurred within the last 3 years	If conviction occurred 3-10 years ago	M/G/F (Class)
Animal Cruelty	Issue with sanctions	Issue credential	G
Assault 4 (simple assault)	Issue with sanctions	Issue credential	G
Coercion	Issue with sanctions	Issue credential	G
Criminal Trespass 2	Issue	Issue credential	M
Drug convictions (Gross misdemeanor)	Issue with sanctions requiring monitoring	Issue with sanctions or require proof of completion of program	G
DUI – first offense- (no bodily harm)	Issue credential	Issue credential	G
DUI – second offense	Issue with sanctions	Issue credential	G
False reporting; Filing a false report	Issue with sanctions	Issue credential	G
Making False or Misleading Statements	Issue with sanctions	Issue credential	G
Marijuana 40 grams or less	Issue credential	Issue credential	M
Minor in possession of alcohol	Issue credential	Issue credential	G
Obstructing a Law Enforcement Officer	Issue with sanctions	Issue credential	G
Possession of drug paraphernalia	Issue credential	Issue credential	M
Prostitution	Issue with sanctions	Issue credential	M/G
Resisting Arrest	Issue credential	Issue credential	M
Shoplifting	Issue with sanctions	Issue credential	M/G
Simple Assault	Issue with sanctions	Issue credential	G
Telephone Call Harassment	Issue with sanctions	Issue credential	G
Welfare Fraud	Issue with sanctions	Issue credential	G
Incident	If conviction is 0-5 years	If conviction occurred 5-10	

		years ago	
Arson	Deny credential	Deny credential	F
Assault 1	Deny credential	Deny credential	F (A)
Assault 2	Deny credential	Deny credential	F (B)
Assault 3	Deny credential	Issue with sanctions	F (C)
Attempt to Elude	Issue with sanctions	Issue credential	F
Bomb threat	Deny credential	Deny credential	F (B)
Burglary 1 or 2	Deny credential	Deny credential	F(A&B)
Child molestation	Deny credential	Deny credential	F
Communication with a minor for immoral purposes	Deny credential	Deny credential	F
Conspiracy	Issue with sanctions	Issue credential	G
Criminal Mistreatment 1	Deny credential	Deny credential	F
Criminal Mistreatment 2	Deny credential	Issue with sanctions	F (C)
Criminal Trespass 1	Issue with sanctions	Issue credential	G
Custodial assault	Deny credential	Issue with sanctions	F (C)
Drug convictions (Felony)	Deny credential or issue under monitoring program	Deny credential or require proof of completion of program	F
Extortion 1	Deny credential	Deny Credential	F
Extortion 2	Deny Credential	Issue with sanctions	F (C)
Forgery	Deny credential	Issue with sanctions	F (C)
Indecent Exposure victim under 14	Deny credential	Issue credential	G
Indecent liberties	Deny Credential	Deny credential	F
Malicious Mischief 1	Deny credential	Issue with sanctions	F (B)
Malicious Mischief 2	Deny credential	Issue credential	F (C)
Malicious Mischief 3	Issue with sanctions	Issue credential	G
Murder	Deny credential	Deny credential	F
No Contact Order Violation	Issue with sanctions	Issue credential	G
Possession of Stolen Property 1	Deny credential	Deny credential	F
Possession of Stolen Property 2	Deny credential	Issue with sanctions	F (C)
Possession of Stolen Property 3	Issue with sanctions	Issue credential	G
Promoting Prostitution 1	Deny credential	Issue with sanctions	F (B)
Rape 1,2,3	Deny credential	Deny credential	F

Reckless Endangerment	Issue with sanctions	Issue credential	G
Residential Burglary	Deny credential	Deny credential	F (B)
Theft 1 or Robbery 1 and 2	Deny credential	Deny credential	F
Theft 2	Deny credential	Issue with sanctions	F (C)
Theft 3	Issue with sanctions	Issue credential	G
UIBC over \$250 (worthless check)	Deny credential	Issue with sanctions	F (C)
UIBC under \$250 (worthless check)	Issue with sanctions	Issue credential	G
Vehicle Theft	Deny credential	Issue with sanctions	F

RCW 18.130.055 states: (1) The disciplining authority may deny an application for licensure or grant a license with conditions if the applicant:
(c) Has been convicted or is subject to current prosecution or pending charges of a crime involving moral turpitude or a crime identified in RCW 43.43.830.

ADDENDUM 2

Exception Applications
* Complete Application

Answer to question 5c on app.

YES or NO
Answer

Staff Action:
Review and apply Criteria per Addendum 1

Applicant does not meet criteria for issuance
* Need Statement / Court Documents

Applicant meets criteria for issuance

NO Answer

Yes Answer

NO Answer

Yes Answer

Staff Action
Refer to Investigations

Staff Action
Request Additional Information from Applicant

Staff Action
* Send letter to Applicant
* Send Application to Licensing

Staff Action
* Send Application to Licensing

Send to CMT